

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

THE CHIPPEWA COUNTY WAR
MEMORIAL HOSPITAL, INC., d/b/a
CHIPPEWA COUNTY WAR MEMORIAL
HOSPITAL, a Michigan non-profit
corporation,

Plaintiff/Counter-Defendant,

vs.

MICHIGAN NURSES ASSOCIATION,
a Michigan non-profit corporation,

Defendant/Counter-Plaintiff.

Case No. 2:16-cv-00192-GJQ-TPG

Hon. Gordon J. Quist

Mag. Judge Timothy P. Greeley

Karen B. Berkery (P38698)
Kristen Lee Cook (P75034)
KITCH DRUTCHAS WAGNER VALITUTTI
& SHERBROOK
Attorneys for Plaintiff/Counter-Defendant
One Woodward Avenue, Suite 2400
Detroit, MI 48226-5485
(313) 965-7448

James J. Chiodini (P38834)
Timothy J. Dlugos (P57179)
WHITE SCHNEIDER PC
Attorneys for Defendant/Counter-Plaintiff
2300 Jolly Oak Road
Okemos, MI 48864
(517) 349-7744

MICHIGAN NURSES ASSOCIATION'S MOTION TO STRIKE
WAR MEMORIAL HOSPITAL'S REPLY IN SUPPORT OF OBJECTIONS

NOW COMES Defendant/Counter-Plaintiff, MICHIGAN NURSES ASSOCIATION (“MNA”), by and through its attorneys, White Schneider PC, and hereby serves Plaintiff/Counter-Defendant, THE CHIPPEWA COUNTY WAR MEMORIAL HOSPITAL, INC., d/b/a CHIPPEWA COUNTY WAR MEMORIAL HOSPITAL (“WMH”), by and through its attorneys, Kitch, Drutchas, Wagner, Valitutti & Sherbrook, this Motion to Strike, and respectfully states as follows:

1. On January 31, 2017, Magistrate Timothy P. Greeley issued his *Report and Recommendation* to the parties.

2. Within his *Report and Recommendation*, Magistrate Greeley recommended the denial of WMH’s motion for summary judgment, and concurrently recommended the granting of summary judgment in favor of MNA on its counter-claim to enforce the underlying arbitration decision.

3. WMH filed its objections to the Magistrate’s *Report and Recommendation* with the Court on February 14, 2017.

4. MNA filed its response to the objections with the Court on February 27, 2017.

5. On March 13, 2017, WMH has now filed a document which it titles, “REPLY IN SUPPORT OF OBJECTIONS BY PLAINTIFF/COUNTER-DEFENDANT TO REPORT AND RECOMMENDATION OF MAGISTRATE TIMOTHY P. GREELEY RECOMMENDING DENIAL OF PLAINTIFF/DEFENDANT’S MOTION FOR SUMMARY JUDGMENT AND GRANTING OF DEFENDANT/COUNTER-PLAINTIFF’S MOTION FOR SUMMARY JUDGMENT.”

6. Considered by MNA to be WMH's attempt to file a "reply brief," this filing is not otherwise permitted by the court rules or order of this Court.

7. WMH's filing on March 13, 2017, must be stricken from the record.

WHEREFORE for these reasons and the reasons stated in the accompanying Brief in Support, MNA moves the Court for an Order to Strike WMH's filing, to also include attorney's fees and reasonable expenses incurred in having to raise the present action.

Respectfully submitted,

s/ Timothy J. Dlugos

James J. Chiodini (P38834)
Timothy J. Dlugos (P57179)
WHITE SCHNEIDER PC
Counsel for Defendant/Counter-Plaintiff
2300 Jolly Oak Road
Okemos, MI 48864
Telephone: (517) 349-7744
Facsimile: (517) 349-8295
Email: tdlugos@whiteschneider.com

Dated: March 16, 2017